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*Attorney for Petitioner Terrance L. Lavoll

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Terrance L. Lavoll,
13 Petitioner,
14 v.
15 Jerry Howell, *et al.*,
16 Respondents.

Case No. 2:19-cv-02249-GMN-EJY

**Unopposed motion for extension of
time to file First Amended Petition
(First Request)**

1 1. On June 30, 2020, this Court appointed the Federal Public Defender to
2 represent Mr. Lavoll on his 28 U.S.C. § 2254 petition. ECF No. 12. On July 30, 2020,
3 undersigned counsel appeared as counsel for Mr. Lavoll. ECF No. 13. On September
4 24, 2020, this Court issued a scheduling order setting December 23, 2020, as the due
5 for the first amended petition. ECF No. 14.

6 2. Counsel for Mr. Lavoll requests a first extension of time of 61 days to
7 file the first amended petition to Monday, February 22, 2021.

8 3. Counsel has begun working on Mr. Lavoll's case. Counsel has spoken to
9 Mr. Lavoll about the case and has begun reviewing the record. However, counsel was
10 unable to complete the amended petition by the current deadline due to
11 administrative responsibilities as a result of the pandemic as well as counsel's
12 workload.

13 4. First, counsel's numerous administrative and managerial
14 responsibilities related to his position as Chief of the Non-Capital Habeas Unit has
15 interfered with his ability to focus on this case. The current pandemic has placed
16 many demands on undersigned counsel's time. Significantly, over the past month,
17 counsel has had to address the changed environment when Governor Sisolak
18 instituted the pause. As a result, the physical office for the Federal Public Defender
19 closed down. Counsel was responsible for developing the policies and protocols for the
20 Non-Capital Habeas Unit as a result of this physical closure. These administrative
21 and managerial responsibilities have required a significant time investment, which
22 has interfered with undersigned counsel's ability to dedicate enough time to work on
23 his caseload. Undersigned counsel anticipates these responsibilities will continue
24 during the entire time the office must work remotely. While working remotely has
25 been feasible, there have been routine technological complications, making reviewing
26 the record and drafting pleadings complicated. Further, working remotely has been
27 challenging due to child-care issues.

1 5. Despite the administrative and managerial responsibilities, counsel has
2 retained a significantly large caseload, which increased with the departure of a highly
3 experienced attorney in the middle of the year as well as another attorney going on
4 leave at the end of October 2020. Over the past three months, counsel has filed,
5 among other things, two cert. petitions, a Brief in Opposition in the United States
6 Supreme Court, an Amended Petition, an Opening Brief in the Nevada Supreme
7 Court, an opposition to a motion to dismiss, a state petition, two motions for a
8 certificate of appealability, a Reply, and a lengthy pardons board application. In
9 addition, counsel, in his role as supervisor, has had to review dozens of pleadings and
10 provide consultation and support on numerous other cases. Moreover, for the past
11 three weeks, counsel has been focusing much of his attention on an evidentiary
12 hearing in federal court, which occurred on December 18 and 21, 2020.

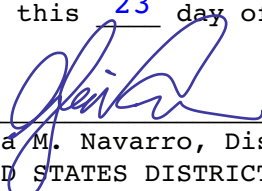
13 6. For these reasons, counsel is requesting an additional 61 days to file the
14 first amended petition.

15 7. On December 22, 2020, counsel for respondents, Senior Deputy Attorney
16 General Charles L. Finlayson, indicated by email Respondents do not oppose this
17 request with the understanding that the lack of objection is not a waiver or concession of
18 any kind.

19 8. This motion is not filed for the purpose of delay, but in the interests of
20 justice, as well as in the interest of Mr. Lavoll. Counsel for Petitioner respectfully
21 requests that this Court grant this motion and order Petitioner to file the First
22 Amended Petition no later than February 22, 2021.

23 IT IS SO ORDERED.

24 Dated this 23 day of December,
25 2020

26 
27 Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT

1 Dated December 23, 2020.

2 Respectfully submitted,

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4 Rene L. Valladares
5 Federal Public Defender

6 /s/ Jonathan M. Kirshbaum
7 Jonathan M. Kirshbaum
8 Assistant Federal Public Defender

9
10 **IT IS SO ORDERED.**

11 Dated this ____ day of December, 2020

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14 Gloria M. Navarro, District Judge
15 UNITED STATES DISTRICT COURT
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